

**CITY OF DULUTH**

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-058	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Vacation	Planning Commission Date	June 10, 2014	
Deadline for Action	Application Date	May 6, 2014	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Lynn Avenue between Garfield Avenue and the Federal Harbor line.			
Applicant	Duluth Seaway Port Authority	Contact	Jeff Borling, jborling@duluthport.com	
Agent		Contact		
Legal Description	See attached			
Site Visit Date	N/A	Sign Notice Date	May 26, 2014	
Neighbor Letter Date	May 22, 2014	Number of Letters Sent	11	

Proposal

Applicant proposes to vacate unimproved Lynn Avenue from the Federal Harbor line to a point halfway between Cox Avenue and Garfield Avenue. Minnesota Power has requested the City retain a utility easement over the southwesterly 700 feet of the northwesterly half of Lynn Avenue.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G/I-W	Port	Industrial Waterfront
North	I-W	Port	Industrial Waterfront
South	I-W	Port	Industrial Waterfront
East	I-W	Port	Industrial Waterfront
West	I-G	Highway	Transportation and Utilities

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

- 1) Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

III. F-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Principle #3 - Support traditional economic base. Port operations is one of Duluth's traditional economic bases.

Future Land Use - Industrial Waterfront: Waterfront- or port-dependent industrial uses. May co-exist in proximity to other waterfront-related uses. Should have access to regional roads or rail.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) This street vacation will allow the Port Authority to conduct their improvements to the C&D docks. Governing Principle #3 of the Comprehensive Land Use Plan calls for support for Duluth's traditional economic base, which includes port operations.
- 2.) The only portion of this right of way that is being used by the public is Helberg Drive. City Engineering advises that right of way along Helberg Drive should be maintained.
- 3.) Applicant owns a majority of the property on either side of Lynn Avenue.
- 4.) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way.
- 5.) Staff finds that this road is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 6.) Other than the request from Minnesota Power to reserve an easement, no other public, agency, or City comments have been received.
- 7.) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation, with the condition that a right of way easement be retained along existing Helberg Drive.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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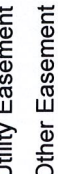


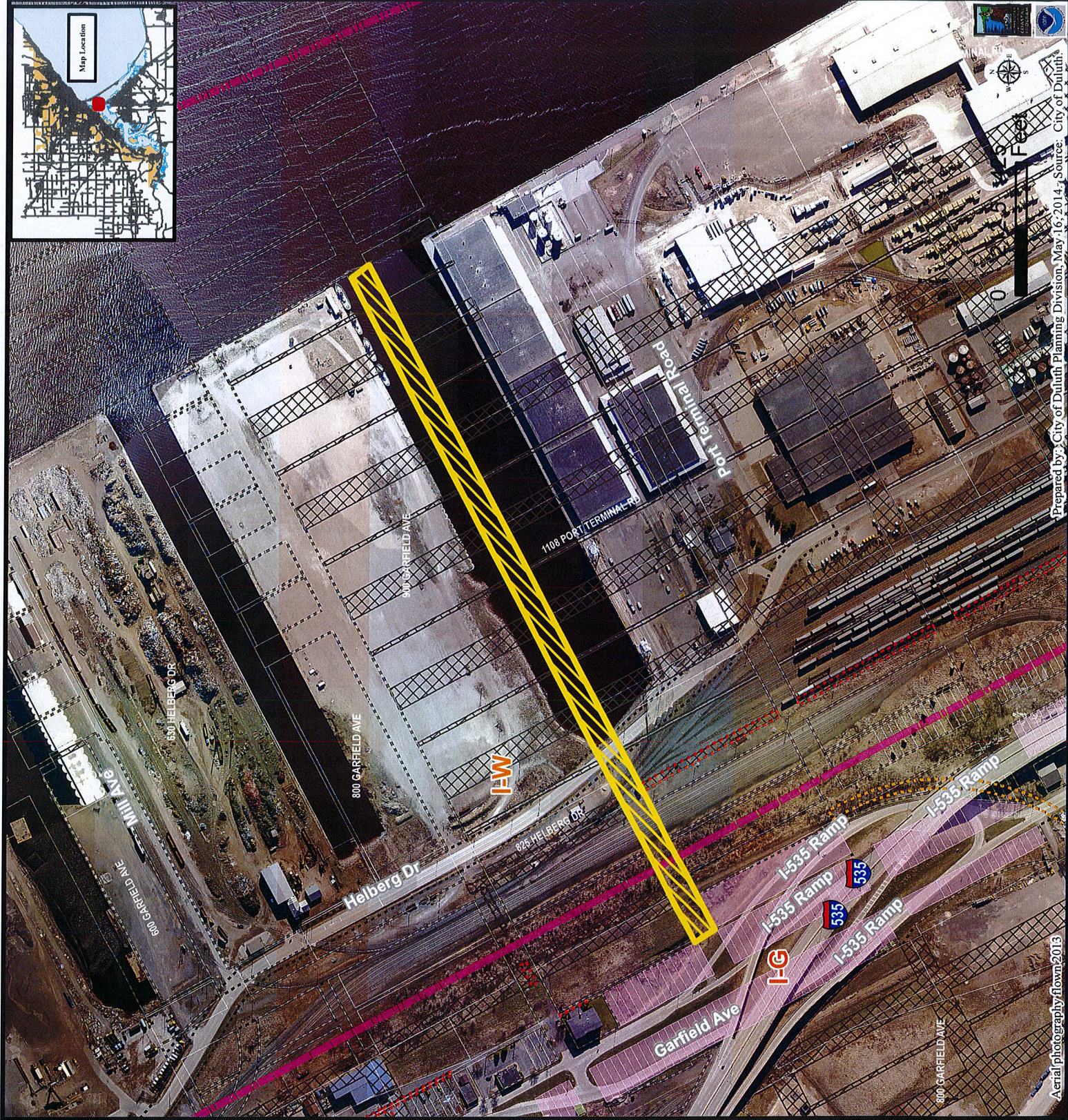
City Planning

PL 14-058

Vacation of Street
Lynn Avenue

Legend

	Zoning Boundaries
Right-of-Way Type	
	Road or Alley ROW
	Vacated ROW
Easement Type	
	Utility Easement
	Other Easement

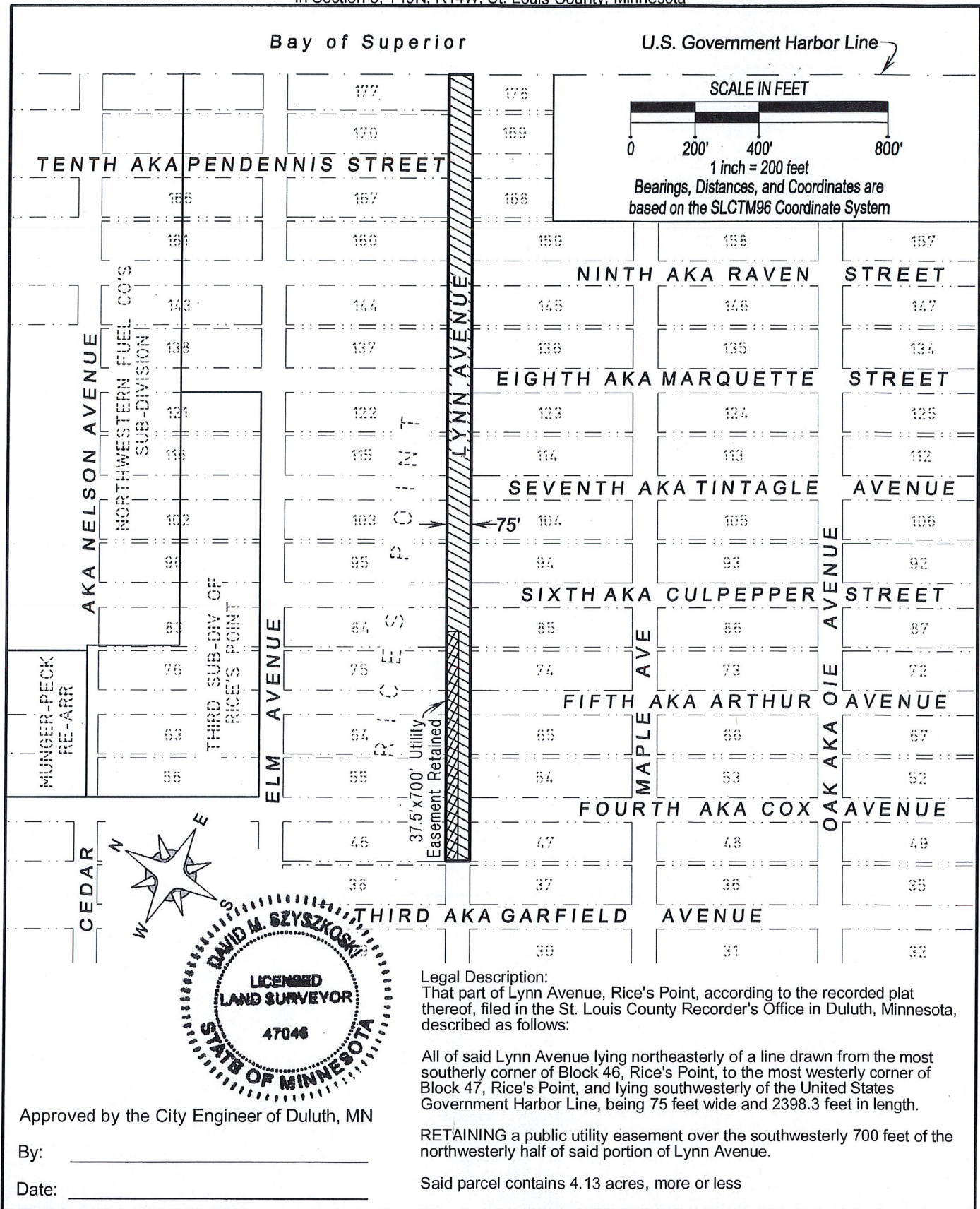


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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Vacation Exhibit - Lynn Avenue

in Section 3, T49N, R14W, St. Louis County, Minnesota



Legal Description:

That part of Lynn Avenue, Rice's Point, according to the recorded plat thereof, filed in the St. Louis County Recorder's Office in Duluth, Minnesota, described as follows:

All of said Lynn Avenue lying northeasterly of a line drawn from the most southerly corner of Block 46, Rice's Point, to the most westerly corner of Block 47, Rice's Point, and lying southwesterly of the United States Government Harbor Line, being 75 feet wide and 2398.3 feet in length.

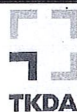
RETAINING a public utility easement over the southwesterly 700 feet of the northwesterly half of said portion of Lynn Avenue.

Said parcel contains 4.13 acres, more or less

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Date: 5/23/2014

DAVID SZYSZKOSKI
MINNESOTA LICENSE NO. 47046



4560 Norway Pines Place
Duluth, MN 55811
218-727-8796
tkda.com

Job Number: 15518.001 / L2434D

Lynn Avenue Vacation
in Rice's Point
Duluth, Minnesota
For: DSPA c/o J. Borling

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